

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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C.R. No. 3042 of 2015 (O&M)

Date of decision: April 06, 2016

Navjot Kaur

...PETITIONER

Versus

Parveen Kumar

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Avtar S. Khinda, Advocate,
for the petitioner.

Ms. Vanita Sapra, Advocate,
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision petition is to the order dated 13.08.2014 passed by the Rent Controller, Sultanpur Lodhi, whereby the time has been extended for deposit of the provisional rent, as assessed by the Rent Controller on 09.07.2014.

2. It is not disputed between the parties that the provisional rent along with interest and costs was assessed by the Rent Controller, Sultanpur Lodhi vide order dated 09.07.2014 as ₹ 33,400/-. A direction was issued to the respondent-tenant to pay the arrears of rent, costs and interest, as assessed provisionally, on or before 13.08.2014. On 13.08.2014, the learned Rent Controller recorded as follows:-

“ Today no any payment made by the respondent.

Requested for short adjournment. Be made on 20.08.2014.”

This, the counsel for the petitioner submits, is not permissible

in law.

3. Counsel for the respondent, on the other hand, submits that as a matter of fact, on 16.04.2014, an amount of ₹ 20,000/- was tendered to the petitioner through her counsel and a receipt was also given in this regard by the counsel on the said date. In the light of the fact that an amount of ₹ 20,000/- has already been paid to the petitioner/landlord, which fact was not brought to the notice of the Rent Controller when the order dated 09.07.2014 was passed, an application was moved for adjustment of the said amount and on that pretext, the Rent Controller had extended the time for deposit of the amount, as assessed. She, therefore, contends that the impugned order cannot be said to be illegal.

4. I have considered the submissions made by the learned counsel for the parties and with their assistance, have gone through the impugned orders and the other pleadings.

5. Giving benefit of the amount, as tendered, to the counsel for the petitioner i.e. ₹ 20,000/- on 16.04.2014, still an amount of ₹ 13,400/- was due to the credit of the respondent-tenant. Nothing has come forth on record as to why the said amount was also not tendered before the Rent Controller, simultaneously taking a plea of the adjustment of the amount of ₹ 20,000/-, which has been paid to the landlord through her counsel. It is not in dispute that the Rent Controller has no power to extend the time for deposit of the provisional rent, as assessed.

6. In the light of the facts and circumstances of the case, the non-tender of the amount of arrears, costs and interest, as assessed by the Rent Controller, Sultanpur Lodhi dated 09.07.2014 on or before 13.08.2014, the date fixed by the Rent Controller for such tender, the impugned order dated

13.08.2014 cannot sustain and is hereby set aside.

7. The revision petition stands allowed.

C.M. No. 9483-CII of 2015

In view of the disposal of the main petition, no separate orders are required to be passed in this application for stay and, therefore, the same stands dismissed.

April 06, 2016

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**